
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1709 Session of
1987

INTRODUCED BY KENNEDY, LANGTRY, SCHEETZ, HERMAN AND KUKOVICH,
SEPTEMBER 28, 1987

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 28, 1987

AN ACT

1 Providing for a constitutional convention with limited powers;
2 providing for a referendum on the question; providing for the
3 selection, nomination and election of delegates; defining the
4 powers and duties of the convention; providing for its
5 operation; conferring powers and imposing duties on the
6 Governor, the Secretary of the Commonwealth, officers of the
7 General Assembly and county election boards; providing for a
8 referendum on the convention's report; and making an
9 appropriation.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Referendum.

13 At the primary election in April 1988 the following question
14 shall be submitted to the electorate of the Commonwealth to
15 determine its will regarding a constitutional convention with
16 limited powers:

17 Shall a constitutional convention be called in accordance
18 with, and subject to, limitations and requirements
19 contained in Act Number of the Session of the
20 General Assembly, to prepare for submission to the

1 electorate proposals for the revision of the subject
2 matter of any amendment proposed, but not approved, at
3 the 1988 Primary and for the revision of Articles II, III
4 and V as provided in Section 7(b) of this Act?

5 The county board of elections in each county shall print in
6 bound form separate official ballots in sufficient numbers to
7 furnish to the election officers in each election district of
8 the county, one ballot to be supplied to each voter at the
9 primary election and also specimen ballots equal in number to
10 one-fifth of the official ballots. In districts where voting
11 machines are used, the question may appear on the face of the
12 machine where the machine is properly equipped for such purpose;
13 otherwise, a separate printed ballot shall be used. The results
14 of such election shall be tabulated by the proper election
15 officers of each county and duly certified to the Secretary of
16 the Commonwealth.

17 Section 2. Convention; membership; qualifications; vacancies.

18 (a) Convention.--If a majority of the electors voting upon
19 the question favor the holding of a constitutional convention
20 with limited powers, a convention shall be called by the
21 Governor. It shall consist of 163 members. Three district
22 delegates shall be elected from each senatorial district, all as
23 hereinafter provided. Each elector in each such district may
24 vote for not more than two candidates for the office of
25 delegate. The three candidates receiving the highest number of
26 votes shall be elected to the office of delegate. In addition,
27 the Lieutenant Governor, the President pro tempore of the
28 Senate, the Majority Leader of the Senate, the Majority Whip of
29 the Senate, the Minority Leader of the Senate, the Minority Whip
30 of the Senate, the Minority Caucus Chairman of the Senate, the

1 Speaker of the House of Representatives, the Majority Leader of
2 the House of Representatives, the Majority Whip of the House of
3 Representatives, the Minority Leader of the House of
4 Representatives, the Minority Whip of the House of
5 Representatives and the Minority Caucus Chairman of the House of
6 Representatives shall be members ex officio of the convention
7 and shall have the powers of elected delegates.

8 (b) Delegates.--Delegates shall be at least 21 years of age
9 and shall have been citizens and residents of this Commonwealth
10 for at least four years. Delegates shall have resided in and
11 been registered electors of their respective senatorial
12 districts one year next before their election, and shall reside
13 in their respective senatorial districts during their terms of
14 service.

15 (c) Vacancies.--In case of a vacancy in the office of
16 delegate occurring after the municipal election, if the member
17 is an ex officio member, the vacancy shall be filled by the
18 person assuming such office; if the member was nominated in
19 accordance with section 3(a), the remaining delegates of that
20 political party shall elect a successor meeting the
21 qualifications prescribed in subsection (b), and if the member
22 was nominated in accordance with section 3(b), all the remaining
23 delegates shall elect a successor meeting the qualifications
24 prescribed in subsection (b).

25 Section 3. Nomination of delegates; withdrawals.

26 (a) General rule.--The county committee or committees of
27 each political party in each senatorial district shall
28 collectively nominate two candidates for the office of delegates
29 in accordance with party rules and the names of the nominees
30 shall be submitted to the Secretary of the Commonwealth who

1 shall certify the names of the nominees to the county board of
2 elections as provided by law not later than 60 days preceding
3 the general election in 1988.

4 (b) Petition.--Subject to the limitations upon the number in
5 this act applicable to political parties, candidates may also be
6 nominated by political bodies by petition in the form prescribed
7 by the Secretary of the Commonwealth and shall be signed by at
8 least 500 qualified electors of the senatorial district.

9 (c) Filing of petitions.--Such petitions shall be filed in
10 the office of the Secretary of the Commonwealth not later than
11 September 15, 1988. A filing fee of \$25 shall be paid by each
12 candidate to the Secretary of the Commonwealth by certified
13 check or money order.

14 (1) Any elector may sign not more than two nomination
15 petitions for delegate to represent his district. Every
16 signer of a nomination petition shall state his occupation
17 and residence, giving city, borough or township, with street
18 and number, if any, and that he is a qualified elector of the
19 district named, and shall add the date of signing, expressed
20 in words or numbers. No nomination petition shall be
21 circulated prior to 20 days before the last day on which said
22 petition may be filed, and no signature shall be counted
23 unless it bears date within 20 days of the last day of filing
24 the same.

25 (2) Nomination petitions may be on one or more sheets
26 and different sheets must be used for signers resident in
27 different counties. If more than one sheet is used, they
28 shall be bound together when offered for filing, if they are
29 intended to constitute one petition, and each sheet shall be
30 numbered consecutively at the foot of each page, beginning

1 with number one.

2 (3) Each sheet shall have appended thereto the affidavit
3 of the person who circulated it setting forth:

4 (i) that such person is a qualified elector of the
5 senatorial district named in the petition;

6 (ii) his or her residence giving city, borough or
7 township, with street and number, if any;

8 (iii) that the signers thereto signed with
9 foreknowledge of the contents of the petition;

10 (iv) that their respective residences are correctly
11 stated therein;

12 (v) that each signer resides in the district named
13 in the affidavit;

14 (vi) that each signed on the date set opposite his
15 name; and

16 (vii) that to the best of affiant's knowledge and
17 belief the signers are qualified electors of the
18 district.

19 (d) Affidavits.--Each candidate for delegate shall file with
20 the Secretary of the Commonwealth an affidavit stating:

21 (1) his residence with street and number, if any, and
22 his post office address;

23 (2) that he is eligible for the office of delegate to
24 the constitutional convention;

25 (3) that, if elected, he will faithfully observe the
26 limitations and requirements imposed upon the convention by
27 this act; and

28 (4) that he has been a citizen and resident of this
29 Commonwealth for at least four years and has been a
30 registered elector in the district which he seeks to

1 represent for at least one year.

2 (e) Withdrawal.--Any candidate for election as a delegate to
3 the convention may withdraw his name as a candidate by a request
4 in writing, signed by him and acknowledged before an officer
5 empowered to administer oaths, filed in the office of the
6 Secretary of the Commonwealth not later than 5 p.m. on the fifth
7 day next succeeding the last day for filing nomination
8 petitions. In the event of the death or withdrawal of a
9 candidate occurring prior to the time prescribed by this
10 subsection, substitute nominations shall be made in accordance
11 with the provisions of this section.

12 Section 4. Election of delegates.

13 Elections for delegates to the limited constitutional
14 convention, if approved by the electorate, shall be held at the
15 general election in the year 1988. The Secretary of the
16 Commonwealth shall forward to the county board of elections of
17 each county the names of the candidates for delegate to the
18 constitutional convention. Each elector voting at the general
19 election shall be entitled to vote for two candidates for
20 delegate from his district. The three candidates receiving the
21 highest number of votes in each district shall be elected
22 delegates of that district. The county board of elections shall,
23 on or before November 17, make to the Secretary of the
24 Commonwealth the proper certification of returns of votes cast
25 for the candidates for election for the office of delegate to
26 the constitutional convention. The Secretary of the Commonwealth
27 shall, not later than November 24, certify to the Governor the
28 names of the delegates elected to the constitutional convention.
29 In the case of a tie vote the election shall be determined in
30 accordance with the provisions of section 1418 of the act of

1 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
2 Election Code.

3 Section 5. Preparatory committee; appropriation.

4 (a) Establishment.--The Lieutenant Governor, the President
5 pro tempore of the Senate, the Majority Leader of the Senate,
6 the Majority Whip of the Senate, the Minority Leader of the
7 Senate, the Minority Whip of the Senate, the Minority Caucus
8 Chairman of the Senate, the Speaker of the House of
9 Representatives, the Majority Leader of the House of
10 Representatives, the Majority Whip of the House of
11 Representatives, the Minority Leader of the House of
12 Representatives, the Minority Whip of the House of
13 Representatives and the Minority Caucus Chairman of the House of
14 Representatives shall constitute a Preparatory Committee to make
15 arrangements for the convention.

16 (b) Authority.--The committee shall have authority
17 immediately following an affirmative vote by the electorate on
18 the question of holding a constitutional convention to lease or
19 otherwise obtain suitable meeting and office space, to purchase
20 or lease office supplies, equipment, books and other
21 publications and other materials necessary for the work of the
22 convention and to hire or engage such secretaries, technical
23 assistants, printers and other employees or consultants as may
24 be deemed necessary for the preparatory work of the convention.
25 The committee shall initiate any studies, inquiries, surveys or
26 analyses it may deem relevant through its own personnel or in
27 cooperation with any public or private agencies, including
28 institutes, universities, foundations or research organizations.
29 In so doing, the committee may hold public or private hearings.
30 It may issue subpoenas under the hand and seal of its chairman

1 commanding any person to appear before it and to answer
2 questions touching matters properly being inquired into by the
3 committee and to produce such books, papers, records and
4 documents as the committee deems necessary. Such subpoenas may
5 be served upon any person and shall have the force and effect of
6 subpoenas issued out of the courts of this Commonwealth. Any
7 person who willfully neglects or refuses to testify before the
8 committee or to produce any books, papers, records or documents
9 shall be subject to the penalties provided by the laws of this
10 Commonwealth in such case. Each member of the committee shall
11 have power to administer oaths and affirmations to witnesses
12 appearing before the committee. The committee may request and
13 shall receive from any department, division, board, bureau,
14 commission or agency of the Commonwealth or any political
15 subdivision thereof such facilities, assistance and data as it
16 deems necessary or desirable to carry out properly its powers
17 and duties. The committee is hereby authorized and empowered to
18 make and sign any agreements, and to do and perform any acts
19 that may be necessary, desirable or proper to carry out the
20 provisions of this act. The committee shall also prepare budgets
21 for the holding of the constitutional convention. Such
22 recommended budgets shall be submitted to the General Assembly
23 in sufficient time for the General Assembly to pass the
24 necessary appropriation acts. The members of the committee shall
25 receive no compensation for their service but shall be allowed
26 their actual and necessary expenses incurred in the performance
27 of their duties. The authority of the Preparatory Committee
28 shall expire on December 1, 1988, at 12 noon, except to sign
29 documents necessary to obtain payments from the State Treasury
30 for any commitments made under the authority of this section

1 prior to December 1, 1988, and to submit any report to the
2 constitutional convention. The sum of \$250,000 is hereby
3 appropriated to the Preparatory Committee for the purposes set
4 forth in this section.

5 Section 6. Organization of convention.

6 (a) Convening.--The convention shall convene in the Hall of
7 the House of Representatives at Harrisburg, Dauphin County,
8 Pennsylvania, on December 1, 1988, at 12 noon. The
9 constitutional convention shall be called to order by the
10 Governor. The Secretary of the Commonwealth shall certify the
11 returns of the elections for delegates to the constitutional
12 convention and issue certificates of election to those elected.
13 The Chief Justice of the Supreme Court of Pennsylvania or his
14 appointee shall then administer the oath of office in the
15 following form: "I do solemnly swear (or affirm) that I will
16 support, obey and defend the Constitution of the United States
17 and the Constitution of this Commonwealth, and that I will
18 discharge the duties of my office with fidelity."

19 (b) Procedure.--The convention shall then organize by
20 electing from among its delegates a president, secretary and
21 such other officers as shall be necessary for the transaction of
22 its business. No member of the General Assembly shall be an
23 officer of the convention. It shall determine the rules of its
24 own proceedings and shall be the final judge of the
25 qualifications of its own delegates. It shall also determine
26 rules for the conduct of its delegates and provide for the
27 censure, suspension or removal of a delegate, if necessary.

28 (c) Privilege.--The delegate to the constitutional
29 convention shall, in all cases, except treason, felony,
30 violation of their oath of office, and breach or surety of the

1 peace, be privileged from arrest during their attendance at the
2 session of the convention and in going to and returning from the
3 same; and for any speech or debate in the convention they shall
4 not be questioned in any other place.

5 (d) Authority.--In addition to any powers provided in this
6 section, the convention shall have all of the powers given to
7 the Preparatory Committee in section 5.

8 (e) Adjournment.--The convention shall also have the power
9 to adjourn from time to time and to meet at such appropriate
10 places in the City of Harrisburg as it shall determine.

11 (f) Sine die.--It shall conclude its session sine die not
12 later than February 29, 1989.

13 Section 7. Substantive powers of the convention; limitations;
14 mandatory duties of the convention.

15 (a) General rule.--Except as hereinafter provided in
16 subsection (b), the constitutional convention shall have the
17 power by a vote of a majority of the 163 to make recommendations
18 to the electorate on the following subjects only:

19 (1) All of Articles II, III and V of the Constitution of
20 Pennsylvania.

21 (2) Any amendment proposed but not approved at the April
22 1988 primary.

23 (b) Exclusion.--The convention shall not consider or include
24 in its recommendations any proposal not germane to Articles II,
25 III and V of the Constitution of Pennsylvania.

26 (c) Format.--In dealing with the subject matter as
27 prescribed by this section, the convention may recommend the
28 transfer to another article of any provision contained in those
29 articles, or it may recommend its modification, deletion,
30 repeal, the substitution of an entirely new provision or its

1 continuation without change.

2 (d) Numbering.--The convention's recommendations on any of
3 the articles shall not be numbered. If approved by the electors,
4 these articles shall be numbered by the Governor as provided by
5 law.

6 Section 8. Manner of submitting proposals to the electorate.

7 (a) General rule.--The recommendations of the constitutional
8 convention shall be submitted to the electorate separately as
9 determined by the convention. The replacements may be in any
10 number of sections which the convention deems suitable. The
11 convention shall also frame the ballot questions which shall
12 bring before the electorate the recommendations of the
13 convention. There shall be no less than one separate question
14 for each of the articles to be recommended by the convention and
15 another question for the amendment on legislative apportionment.

16 (b) Certification.--The changes proposed, together with the
17 questions framed by the convention, shall be certified by the
18 president and secretary of the convention to the Secretary of
19 the Commonwealth not later than March 7, 1989. The Secretary of
20 the Commonwealth shall advertise the proposals of the convention
21 in at least two newspapers of general circulation, if there are
22 such, in every county of this Commonwealth once during the first
23 week in May 1989. He shall also publish the Constitution of
24 Pennsylvania showing the changes proposed by the convention in
25 convenient form and send a copy thereof to each elector
26 requesting it, and ten copies thereof through the county board
27 of elections to each polling place for the use of the voters
28 during the election.

29 Section 9. Submission of proposals to the electorate;

30 proclamation by the Governor of the results.

1 The recommendations of the constitutional convention shall be
2 submitted to the electors for their approval or rejection on a
3 separate ballot at the primary held in May 1989. In districts
4 where voting machines are used, the question may appear on the
5 face of the machine where the machine is properly equipped for
6 such purpose; otherwise a separate printed ballot shall be used.
7 A majority vote of the electors voting thereon shall be
8 necessary for the adoption of any of the recommendations of the
9 convention. If adopted, any recommendation shall become
10 effective as provided therein or by the schedule attached
11 thereto. The Governor, upon receipt from the Secretary of the
12 Commonwealth of a certificate of the results of the election,
13 shall immediately make proclamation thereof.

14 Section 10. Expenses of members of the convention.

15 Except for members of the General Assembly, officers and
16 employees of the Commonwealth, the members of the constitutional
17 convention shall each receive the total sum of \$5,000 for
18 expenses in four equal installments, three of which shall be
19 payable on December 15, 1988, and January 15 and February 15,
20 1989, and the fourth on the day when the convention adjourns
21 finally. In addition, the members of the convention shall
22 receive an allowance for traveling expenses of 25¢ per circular
23 mile per week, computed on the same basis as traveling expenses
24 for State Senators, payable monthly. The members of the General
25 Assembly, officers and employees of the Commonwealth shall be
26 reimbursed only for expenses actually incurred in attendance as
27 delegates, unless the same are otherwise paid by the
28 Commonwealth.

29 Section 11. Registration of lobbyists.

30 (a) General rule.--Any natural person who is employed or

1 engaged for compensation, by any other person or any
2 partnership, committee, association, corporation or any other
3 organization, to advocate passage or defeat of proposals of the
4 constitutional convention or of any of its delegates shall,
5 before beginning such activities, submit to the secretary of the
6 convention a registration statement made under oath or
7 affirmation before an officer authorized by law to administer
8 oaths setting forth the name and business address of the
9 lobbyist, the name and address of the person, partnership,
10 committee, association, corporation or other organization by
11 whom he is employed or engaged, the name and address of the
12 person, partnership, committee, association, corporation or
13 other organization in whose interest he will advocate the
14 passage or defeat of proposals of the convention and the
15 duration of his employment. Whenever any of the facts required
16 herein change, the lobbyist shall file a revised statement.

17 (b) Penalty.--Any person violating any of the provisions of
18 this section commits a misdemeanor and shall, upon conviction,
19 be sentenced to pay a fine not exceeding \$500 or to imprisonment
20 for not more than one year, or both.

21 Section 12. Conventions open to the public.

22 Sessions of the convention as a whole shall be open to the
23 public.

24 Section 13. Effective date.

25 This act shall take effect immediately.